

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA

v.

ADRIAN GIL, II

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EP-22-CR-773-DB

SCHEDULING ORDER

On this day, the Court considered the instant case. On November 10, 2022, Mr. Adrian Gil (“Mr. Gil”) entered a guilty plea pursuant to Title 18 U.S.C. §§ 922(g)(3) and 924(a)(2). On February 26, 2023, Mr. Gil filed a “Motion to Withdraw his Guilty Plea and Dismiss Indictment,” on the basis of a (1) facial and (2) as-applied challenge to 18 U.S.C. § 922(g)(3). ECF No. 39. The Court denied his motion on July 5, 2023, ECF No. 44, and sentenced Mr. Gil to 35 months of imprisonment and three years of supervised release on July 19, 2023, ECF No. 46.

Mr. Gil filed a “Notice of Appeal” on July 21, 2023. ECF No. 48. On May 15, 2024, the Fifth Circuit vacated and remanded Mr. Gil’s as-applied challenge, in light of *United States v. Daniels*, 77 F.4th 337 (5th Cir. 2023). *United States v. Gil*, No. 23-50525 (5th Cir. May 15, 2024). Thus, the Court is of the opinion that the following orders should enter:

IT IS HEREBY ORDERED that the Government file a brief on or before May 27, 2024.

IT IS FURTHER ORDERED that Attorney Matthew DeKoatz file a response on or before June 6, 2024.

IT IS FINALLY ORDERED that the parties are prohibited from filing additional briefs without leave of the Court.

SIGNED this 16th day of May 2024.



THE HONORABLE DAVID BRIONES
SENIOR UNITED STATES DISTRICT JUDGE